

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

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2021 SEP 22 PM 12:44

CLERK U.S. DIST. COURT
WEST. DIST. OF MO.
KANSAS CITY, MO.

AVERY WILSON

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

CTW TRANSPORTATION SERVICES, INC., COLBY HARLOW,

JACQUELINE WOODS, AND TIMOTHY IRELAND

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

**Complaint for Employment
Discrimination**

Case No. 4:21-cv-682-DGK
(to be filled in by the Clerk's Office)

REQUEST FOR TRIAL BY JURY

Plaintiff requests trial by jury. ☒ Yes ☐ No

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	AVERY WILSON
Street Address	310 ARMOUR ROAD STE 214
City and County	KANSAS CITY, CLAY
State and Zip Code	MISSOURI 64116
Telephone Number	332-400-7444
E-mail Address	avery@simpaticofreight.com

B. The Defendant(s) SEE ATTACHED

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	CTW TRANSPORTATION SERVICES, INC.,
Job or Title (if known)	
Street Address	1251 TANEY STREET
City and County	NORTH KANSAS CITY, CLAY
State and Zip Code	MO 64116
Telephone Number	816-221-3411
E-mail Address (if known)	

Defendant No. 2

Name	COLBY HARLOW
Job or Title (if known)	OWNER
Street Address	1251 TANEY STREET
City and County	NORTH KANSAS CITY, CLAY

State and Zip Code	MO 64116
Telephone Number	816-221-3411
E-mail Address (if known)	

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is:

Name	CTW TRANSPORTATION SERVICES, INC.,
Street Address	1251 TANEY STREET
City and County	NORTH KANSAS CITY, CLAY
State and Zip Code	MO 64116
Telephone Number	816-221-3411

II. Cause of Action

This action is brought for discrimination in employment pursuant to *(check all that apply)*:

☐ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

☐ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

☒

Other federal law (*specify the federal law*):
49 U.S.C. 31105 "(SURFACE TRANSPORTATION ASSISTANCE ACT)"

☐

Missouri Human Rights Act, Missouri Revised Statute § 213.055

☐

Other state law (*specify, if known*):

☐

Relevant city or county law (*specify, if known*):

III. Administrative Procedures

- A. Did you file a charge of discrimination against Defendant(s) with the Equal Employment Opportunity Commission or other federal agency?

☒
☐

Yes
No

Date filed: 07 OCT 2020 (OSH)

Attach copy of the charge to this Complaint

- B. Have you received a Notice of Right-to-Sue Letter from the Equal Employment Opportunity Commission?

☐

Yes

☒

No

If yes, please attach a copy of the letter to this Complaint.

- C. Did you file a charge of discrimination against Defendant(s) with the Missouri Commission on Human Rights?

☐
☒

Yes
No

Date filed: _____

Attach copy of the charge to this Complaint

- D. Have you received a Notice of Right-to-Sue Letter from the Missouri Human Rights Commission?

☐

Yes

☒

No

If yes, please attach a copy of the letter to this Complaint.

E. If you are claiming **age discrimination**, check one of the following:

☐ 60 days or more have passed since I filed my charge of age discrimination with the Equal Employment Opportunity Commission.

☐ fewer than 60 days have passed since I filed my charge of age discrimination with the Equal Employment Opportunity Commission

IV. Statement of Claim

A. The discriminatory conduct of which I complain in this action includes (*check all that apply*):

☐

Failure to hire me.

☒

Termination of my employment.

☐

Failure to promote me.

☐

Failure to accommodate my disability.

☐

Unequal terms and conditions of my employment.

☒

Retaliation.

☒

Harassment/Hostile Work Environment

Employer sued employee Whistleblower after whistleblower filed complaint with OSH

☒

Other acts (*specify*):

(*Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.*)

B. It is my best recollection that the alleged discriminatory acts occurred on the following date(s):

02 SEP 2020

C. I believe that defendant(s) (*check one*):

☒

is/are still committing these acts against me.

☐

is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

<input type="checkbox"/>	race _____
<input type="checkbox"/>	color _____
<input type="checkbox"/>	gender/sex _____
<input type="checkbox"/>	religion _____
<input type="checkbox"/>	national origin _____
<input type="checkbox"/>	age. My year of birth is _____. <i>(Give your year of birth only if you are asserting a claim of age discrimination.)</i>
<input type="checkbox"/>	disability or perceived disability <i>(specify disability)</i>

E. Write a short and plain statement of FACTS that support your claim. Do not make legal arguments. You must include the following information:

- What happened to you?
- What injuries did you suffer?
- Who was involved in what happened to you?
- How were the defendants involved in what happened to you?
- Where did the events you have described take place?
- When did the events you have described take place?

If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

I was employed as a truck driver by CTW TRANSPORTATION SERVICES, INC., I was terminated by

the owner of CTW , Colby Harlow, after launching safety related complaints regarding the unsafe and

non-compliant equipment. Attached hereto is the original complaint my former counsel filed with OSHA.

The case "stalled out" at OSHA. After the sixty day time limit, my former counsel appealed for a de novo

hearing before an Administrative Law Judge at OALJ. The Secretary of Labor failed to issue findings within

the time frame prescribed by Statute. I moved ALJ to vacate the trial setting to seek remedy in US District Court.(ALJ CASE: 2021-STAA-00016).

Attached hereto Plaintiff attaches original Complaint to OSHA

V. Relief

As relief from the allegations of discrimination as stated above, Plaintiff prays that the court grant the following relief to Plaintiff: (check any and all that apply)

- ☐ Defendant be directed to employ Plaintiff
- ☒ Defendant be directed to re-employ Plaintiff
- ☐ Defendant be directed to promote Plaintiff
- ☐ Defendant be directed to _____
- ☒ Monetary damages (please explain): \$150,000.00 compensatory \$100,000.00 punitive
- ☒ As additional relief to make Plaintiff whole, Plaintiff seeks (please specify and

explain):

An abatement of this Defendant's lawsuit suing this Plaintiff in 7th Judicial Circuit Court,

Clay County, MO (CASE: 21-CY-CV02631). Plaintiff also seeks an award of attorneys' fees

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: ²¹SEP, 20²¹_____.

Signature of Plaintiff

Printed Name of Plaintiff

AVERY WILSON

DEFENDANT LIST:

CTW TRANSPORTATION SERVICES, INC.,
1251 TANEY STREET
NORTH KANSAS CITY, MO 64116
(CLAY COUNTY)

COLBY HARLOW
OWNER
CTW TRANSPORTATION SERVICES, INC.,
1251 TANEY STREET
NORTH KANSAS CITY, MO 64116
(CLAY COUNTY)

JACQUELINE WOODS
DRIVER MANAGER
CTW TRANSPORTATION SERVICES, INC.,
1251 TANEY STREET
NORTH KANSAS CITY, MO 64116
(CLAY COUNTY)

TIMOTHY IRELAND
FLEET MANAGER
CTW TRANSPORTATION SERVICES, INC.,
1251 TANEY STREET
NORTH KANSAS CITY, MO 64116
(CLAY COUNTY)